

**CLIFTON BUDD & DeMARIA, LLP**  
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September 21, 2020

**VIA ECF**

Hon. A. Kathleen Tomlinson, USMJ  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
P.O. Box 9014  
Brooklyn, New York 11201

Re: *John Purcell v. New York Institute of Technology-College of Osteopathic  
Medicine*  
Case No. 2:16-cv-03555 (GRB)(AKT)

Dear Magistrate Tomlinson:

This firm represents defendant New York Institute of Technology ("NYIT") in the above-referenced action.


We write concerning Your Honor's Orders, Dkt. 61-62, directing production of records of plaintiff's medical treatment. As directed by this Court, this office served copies of Your Honor's Orders by overnight mail and first-class mail on Drs. Eugene Khotimsky and Sergei Belkin, along with executed HIPAA authorizations. We filed proof of such service via ECF. *See* Dkt. 63-64.

While this office has subsequently received responsive records from Dr. Khotimsky, relative to Dr. Belkin, to date, we have received neither responsive records nor a signed certification that no responsive records exist. Our office has followed up with Dr. Belkin's office, leaving voicemails on Thursday, September 17, Friday, September 18, and again today. We have received no response.

Before he was served with Your Honor's Order, Dr. Belkin had spoken with our paralegal on August 7, 2020, and advised, in sum and substance, that his office would be closed due to the COVID-19 pandemic through the end of October. He further advised that he had not seen John Purcell since 2011 and his office's practice was not to keep records for longer than five years. Given these communications, we cannot confirm whether Dr. Belkin's unresponsiveness is due to refusal to cooperate or because he has not received Your Honor's Order.

Respectfully Submitted,

CLIFTON BUDD & DeMARIA, LLP  
*Attorneys for Defendant*

By:   
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**CLIFTON BUDD & DEMARIA, LLP**

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cc: **VIA ECF**  
The Law Offices of Stewart Lee Karlin, P.C.  
*Attorneys for Plaintiff*